

Calendar No. 1091

93d CONGRESS }
2d Session }

SENATE

REPORT
No. 93-1142

**TRAVEL EXPENSE AMENDMENTS
ACT OF 1974**

**REPORT
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
UNITED STATES SENATE**

ON

S. 3341

**TO REVISE CERTAIN PROVISIONS OF TITLE 5, UNITED
STATES CODE, RELATING TO PER DIEM AND MILEAGE
EXPENSES OF EMPLOYEES AND OTHER INDIVIDUALS
TRAVELING ON OFFICIAL BUSINESS, AND FOR OTHER
PURPOSES**



SEPTEMBER 11, 1974.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1974

38-010

COMMITTEE ON GOVERNMENT OPERATIONS

SAM J. ERVIN, Jr., North Carolina, *Chairman*

JOHN L. McCLELLAN, Arkansas	CHARLES H. PERCY, Illinois
HENRY M. JACKSON, Washington	JACOB K. JAVITS, New York
EDMUND S. MUSKIE, Maine	EDWARD J. GURNEY, Florida
ABRAHAM RIBICOFF, Connecticut	WILLIAM V. ROTH, Jr., Delaware
LEE METCALF, Montana	BILL BROCK, Tennessee
JAMES B. ALLEN, Alabama	
LAWTON CHILES, Florida	
SAM NUNN, Georgia	
WALTER D. HUDDLESTON, Kentucky	

ROBERT BLAND SMITH, Jr., *Chief Counsel and Staff Director*

JANET GAY HOLLIDAY, *Chief Clerk*

ELI E. NOBLEMAN, *Counsel*

W. P. GOODWIN, JR., *Counsel*

J. ROBERT VASTINE, *Minority Counsel*

BRIAN CONBOY, *Special Counsel for the Minority*

W. THOMAS FOXWELL, *Staff Editor*

(11)

Calendar No. 1091

93D CONGRESS
2d Session

SENATE

REPORT
No. 1142

TRAVEL EXPENSE AMENDMENTS ACT OF 1974

SEPTEMBER 11, 1974.—Ordered to be printed

Mr. Metcalf, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany S. 3341]

The Committee on Government Operations, to which was referred the bill (S. 3341) to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes, having considered the same, reports favorably thereon, with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

Purpose

The purpose of this bill is to increase the amounts which may be paid to regular employees of the Federal Government and to experts and consultants employed intermittently, who are traveling on official business, with respect to per diem in lieu of subsistence, and reimbursement when payment of actual expenses is authorized. The bill would also increase the mileage rates for the use of privately owned vehicles used while on official business. These objectives would be accomplished by amending existing travel expenses legislation so as to more closely reflect the increased cost of official travel at the present time.

The bill also establishes a procedure to adjust on a periodic basis the mileage reimbursement figures for employees who use privately owned vehicles.

Explanation of Committee Action

As amended by the committee, the bill would amend section 5702 and 5703 of title 5, United States Code, formerly embodied in the Travel Expense Act of 1949, as amended, by:

(1)

- (1) Increasing the per diem allowance for travel in the continental United States from the present rate of not to exceed \$25 to a minimum of \$35;
- (2) Increasing the maximum reimbursement for employees authorized to travel on an actual expense basis within the continental United States from \$40 to \$50 per day; and
- (3) Increasing from \$18 to \$23 per day the maximum actual expense reimbursement for foreign travel authorized to be paid in addition to the per diem established for that area.

The bill would also amend the Legislative Branch Appropriation Act, 1957 (2 USC 68b) by increasing from \$25 to \$35 per day the maximum amount which Senate Members and committee staffs may receive for official travel within the continental United States, and increases from \$40 to \$50 the reimbursements made on an actual expense basis to such Senate employees.

In approving these increases, the committee took into consideration the fact that (1) there has been no general increase in travel allowances since 1969; (2) hotel and motel rates, the cost of food away from home, and miscellaneous expenses related to official travel have increased appreciably since that time; and (3) Federal employees engaged on official travel on behalf of the U.S. Government should not have to suffer financial losses.

As previously noted, the committee amended the statute which governs the travel allowances for Members and committee employees of the Senate. The increase in the per diem and actual expense provisions will simply provide Senators and committee employees with the same travel allowances provided for other Federal employees on official travel. It should be noted that this action is fully supported by Chairman Cannon of the Committee on Rules and Administration, in a letter to Chairman Metcalf of the Budgeting, Management, and Expenditures Subcommittee (see p. 10).

The increase in actual expenses is believed necessary to cover those instances in which Senate Members and employees are required to travel on official business where travel costs are so high that the per diem is insufficient to reimburse their actual expenses. In this connection, it should be noted that existing law permits payment of actual expenses only if approved in advance by the Committee on Rules and Administration, in accordance with its prescribed rules and regulations.

The committee action alters the current Senate practice of not providing per diem or mileage allowances for Senators' personal staffs. With certain limitations, the rates payable to employees of committee staffs would also apply to Senators' personal staffs traveling on official Senate business. The travel would be paid from each Senator's Consolidated Allowance fund.

In addition, the legislation would increase the mileage allowances to be paid to Federal employees and other individuals who use privately-owned vehicles on official Government business. The bill would increase the mileage rate for the use of a privately-owned motorcycle 1 cent, from 8 cents to 9 cents; for a privately-owned automobile 4 cents, from 12 cents to 16 cents; and for a privately-owned airplane, 8 cents, from 12 cents to 20 cents. The bill also adds landing and tie-down fees as a reimbursable expense for operating privately-owned aircraft.

The automatic mileage adjustment provision requires the Administrator of General Services to conduct a continuing investigation of the cost of operating privately-owned vehicles. At least semiannually,

and more frequently if he deems necessary, the Administrator shall determine the average, actual cost of operating privately-owned vehicles, based upon certain enumerated factors identified in the legislation. The Administrator's determination shall be reported to Congress within five days, and shall be printed in the Federal Register. However, in no case may the adjusted figures be less than the base figures established in this bill. The General Accounting Office is given oversight authority over the conduct of the General Services Administration investigation which is to begin on that January 1 or July 1 which first occurs after the enactment of this legislation.

Summary of Hearings

On June 6, 1974, the Subcommittee on Budgeting, Management, and Expenditures held a hearing on S. 3341. Witnesses from the General Accounting Office and the General Services Administration testified. Public witnesses included:

Mr. Vincent L. Connery, president, National Treasury Employees Union; Mr. Clyde Webber, national president, American Federation of Government Employees; Mr. John McCart, operations director, Government Employees Council, AFL-CIO; and Mr. Irving Geller, on behalf of Nathan T. Wolkomir, president, National Federation of Federal Employees.

Every witness agreed that the current per diem and mileage rates for Federal employees are inadequate for expenses incurred while traveling on official Government business. Witnesses disagreed, however, on the extent of the needed increases. Testimony also suggested establishing procedures to provide for automatic adjustments to the mileage rates, based on a continuing review and analysis of actual operating expenses for privately owned vehicles.

Committee Vote

S. 3341, as amended, was unanimously approved by the full Senate Government Operations Committee on August 20, 1974, a quorum being present.

Legislative History

By act of June 3, 1926, the Congress enacted the Subsistence Expense Act of 1926 (44 Stat. 688) which established a maximum per diem allowance in lieu of subsistence of \$6 within the continental limits of the United States and \$7 beyond those limits (44 Stat. 689).

The Economy Act of June 30, 1932 (47 Stat. 405), reduced these amounts to \$5 and \$6, respectively, reflecting a decrease in living costs. By act of January 30, 1942 (56 Stat. 39), the original amounts were restored, due in large part to the greatly increased living costs resulting from the war and defense activities.

The Travel Expense Act of 1949 (63 Stat. 166) repealed the Subsistence Expense Act of 1926, increased the per diem to an amount not to exceed \$9 in the continental United States and authorized payments for travel outside the continental United States at rates not in excess of those established by the Director of the Bureau of the Budget. Members of Congress and employees of Senate and House committees were excluded from coverage in this act, but were provided for in other legislation.

By act of July 28, 1955 (62 Stat. 393), the maximum per diem was increased to \$12, and a provision was added authorizing department and agency heads to pay actual expenses, not to exceed \$25 per day, where the maximum per diem would be much less than the amount required to cover actual and necessary expenses. The amount was to be fixed in accordance with regulations promulgated by the Director of the Bureau of the Budget. This act also increased the maximum per diem in lieu of subsistence for Government consultants serving without compensation from \$10 to \$15 per day and not to exceed \$25 per day if actual expenses were authorized.

Public Law 87-139 (August 14, 1961, 75 Stat. 339):

(1) Increased the per diem for travel inside the continental United States from \$12 to \$16 for regular and intermittent Government employees;

(2) Increased from \$25 to \$30 the maximum which could be reimbursed on an actual expense basis for travel within the continental United States under unusual circumstances where it was found that the regular \$16 per day would be much less than actual expenses;

(3) Authorized actual expense reimbursement up to \$10 per day for foreign travel, in addition to the maximum per diem established for that area;

(4) Provided that the per diem allowance for travel outside the continental United States could not exceed the rates established by the President of the United States, or his designee, for the locality where the travel is performed; and

(5) Made the increases for per diem and reimbursement for actual expenses applicable to Members and employees of the Senate committees by amending the legislation which provides for their travel allowances.

Executive Order No. 10970 (26 F.R. 10149, October 27, 1961), among other things, delegated to the Secretary of State the authority to establish maximum rates of per diem allowances for travel in foreign countries. Executive Order 11230 (30 F.R. 8447, July 2, 1965) amended Executive Order 10970, and provided that the Director of the Bureau of the Budget should prescribe regulations relating to the allowance and payment of travel and other expenses for certain Government employees. It did not transfer the authority of the Secretary of State to establish rates for travel in foreign countries.

The House of Representatives has long followed the practice of authorizing travel allowances in accordance with regulations promulgated by the Committee on House Administration. The Senate, however, in its portion of the annual legislative branch appropriation acts, has provided for travel allowances not to exceed those provided for other Federal employees. Thus, prior to the enactment of the Travel Expense Act of 1949, Members and employees of the Senate were reimbursed at rates not in excess of those provided for by the Subsistence Expense Act of 1926, as amended. This practice was continued until 1956, when permanent legislation was enacted in the Legislative Branch Appropriation Act, 1957 (70 Stat. 360, June 27, 1956).

In 1969, title 5 of the United States Code was further amended to increase the per diem rates. Public Law 91-114 (83 Stat. 190, November 10, 1969) increased the per diem allowance for travel inside the continental United States from not to exceed the rate of

\$16 to not to exceed the rate of \$25. It also increased the amount authorized to be named in the travel authorization for each day in a travel status inside the continental United States from not to exceed \$30 to not to exceed \$40. Further, the law increased the amount authorized to be named in the travel authorizations for each day in a travel status outside the continental United States from not to exceed the maximum per diem allowance plus \$10 to not to exceed the maximum per diem allowance plus \$18. The same increases were provided for experts and consultants and other individuals serving without pay while traveling on official Government business.

Additionally, the 1969 amendments increased the maximum allowable per diem rate for employees of the Senate traveling on official business from the existing \$16 and \$30 to the new \$25 and \$40 level, respectively.

Presently, Senate Members and committee staff employees are authorized allowances for travel in official business in continental United States at the maximum rate of \$25 per day; and, if authorized actual expenses by the Senate Committee on Rules and Administration and pursuant to its regulations, not more than \$40 per day on an actual basis. Members and employees of the House of Representatives have been authorized a travel allowance of \$25 per day since July 1, 1967.

On July 24, 1971, President Nixon issued Executive Order 11609 (36 F.R. 13747) which, among other things, delegated certain functions of the President provided for under the 1969 amendments to the Administrator of General Services. This delegation included the authority to establish maximum rates of per diem and to prescribe regulations relating to travel, subsistence expenses and mileage allowances. Executive Order 11609 has been amended by Executive Order 11713 and Executive Order 11779. However, neither of these Executive Orders affects the authority of the Administrator to prescribe per diem and mileage regulations.

Section-by-Section Analysis

The short title of this bill is the "Travel Expense Amendments Act of 1974".

Subsection (a) of section 2 amends the "Definitions" section of title 5, United States Code, by adding a new item 7, which defines a "high cost locality" as any geographic location within the continental United States designated by regulation prescribed in section 5707 of title 5. The committee emphasizes that this designation is not limited to cities or metropolitan areas, but may encompass any geographic location, including rural areas where Federal employees are required to travel on official business.

Subsection (b) amends section 5702 of title 5 to provide that pursuant to the regulations prescribed under section 5707 of this title, an agency head may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of travel when the per diem allowance would be less than the actual expenses incurred due to:

- (1) The circumstances of the travel, in which case the amount for travel inside the continental United States may not exceed \$50; or the per diem allowance plus the \$23 supplement for travel outside the continental United States; or

(2) The travel assignment to a "high cost locality", in which case the amount named in the travel authorization may not exceed the amount provided for in the regulations for that "high cost locality."

The committee does not alter the current practice of authorizing each agency head to establish conditions under which an employee may be reimbursed for the actual and necessary expenses of the travel when the per diem allowance is not sufficient to meet the expenses of the travel required.

However, the committee has deleted the modifier "much" from current law. The committee felt that this term was not needed. If an employee could not meet the necessary expenses of the required travel with the per diem allowance provided, travel under unusual circumstances, or under the rate for a "high cost locality" would seem justified.

Subsection (c) authorizes the Administrator of General Services to specify, by regulation, any geographic location he deems to fall within the definition of "high cost locality." For each such specified locality, the Administrator shall also determine, by regulation, the daily amount (not to exceed \$50 per day) that may be paid for travel to that locality.

Subsection (a) of section 3 establishes the per diem allowance for employees traveling on official business within the continental United States at \$35. For travel outside the continental United States, the per diem rate may not exceed the rate established by the President or his designee for that locality where the travel is performed.

In subsection (b), the per diem allowance for an individual serving without pay or at \$1 per year is set at \$35.

In subsection (c), the reimbursement for individuals serving without pay, or at \$1 a year for travel under unusual circumstances, is set at not to exceed the maximum of \$50 for travel within the United States, and not to exceed the per diem plus \$23 for foreign travel.

The reimbursement for Senate members and employees of Senate committees pursuant to the Senate Legislative Branch Appropriation Act, 1957, is set at a rate not to exceed \$35 for per diem, and not to exceed \$50 for travel under unusual circumstances when authorized by the Senate Committee on Rules and Administration.

Section 4 of S. 3341 amends section 5704 of title 5 to state that except to the extent otherwise provided for under this section, and under regulations prescribed under section 5707 of title 5, an employee or other individual who is engaged on official business inside or outside his designated post of duty or place of service is entitled to—

- (1) 9 cents a mile for the use of a privately-owned motorcycle;
- (2) 16 cents a mile for the use of a privately-owned automobile;

and

- (3) 20 cents a mile for the use of a privately-owned airplane.

In addition to the mileage allowances provided for above, and in accordance with other provisions of this section, an employee may be reimbursed for parking fees; ferry fees; bridge, road and tunnel tolls; and airplane landing and tiedown fees.

Subsection (c) of amended section 5704 requires the Administrator of General Services to conduct a continuing investigation of the average, actual cost a mile for the use of a privately-owned motorcycle, automobile, or airplane to the employee or other individual performing service to the Government who is engaged on official business

inside or outside the designated post of duty or place of service. In conducting the investigation, the Administrator shall review and analyze the following:

- (1) depreciation of original vehicle cost;
- (2) gasoline and oil (excluding taxes);
- (3) maintenance, accessories, parts and tires;
- (4) insurance; and
- (5) State and Federal taxes.

These enumerated factors are to be considered the minimum that the Administrator of General Services must take into consideration in conducting the continuing investigation. Additionally, the Administrator shall meet at least once every 3 months with representatives of the General Accounting Office, the Department of Transportation, the Department of Defense, and organizations of employees of the Government of the United States, and allow them the opportunity to make their views personally known to him with respect to the cost, the investigation, and the factors to be included in such investigation (in addition to those mentioned in subsection (c)(1)).

Not later than January 10 and July 10 of each year, the Administrator shall determine, based on the results of his continuing investigation with respect to the 6 full calendar months preceding the month in which the determination is made, specific figures, rounded to the nearest one-half cent, of the average, actual cost a mile during that six-month period, for the use of a privately-owned motorcycle, automobile, and airplane. Within 5 days of such determination, the Administrator shall report such figures to Congress. Each such report shall also include a detailed description of the factors utilized in conducting the investigation, and shall be printed in the Federal Register.

The cent figures contained in paragraphs (1), (2), and (3) of subsection (a) of section 5704, or any adjustments previously made to those figures, and in effect, shall be adjusted, as of the first day of the first month following submission of that report, to the figures determined and reported by the Administrator. Those figures shall not be less than the figures in effect in subsection (a) of section 5704 immediately after enactment of this legislation. The figures reported by the Administrator shall also be included as of the first day of the first month following the determination and report in the regulations prescribed under section 5707 of this title.

The committee stresses that the requirement for a semiannual determination by the Administrator of the average, actual cost of operating privately-owned vehicles does not preclude the Administrator from more frequently than semiannually adjusting the figures provided for in paragraphs (1), (2), and (3) of subsection (a) of section 5704, if, based on the results of his continuing investigation, such an adjustment is warranted. The committee does point out, however, that a determination of the cost of operating privately-owned vehicles must be made at least by January 10 and July 10 of each year.

Subsection (d) of amended section 5704 provides that the Comptroller General of the United States shall, from time to time, review the continuing investigation of the Administrator and make such reports to Congress with respect to his review as he considers appropriate.

Section 4(b) of S. 3341 provides that the continuing investigation referred to in subsection (a) of this section shall begin on that January 1 or July 1 which first occurs after the date of enactment of this Act.

Section 5 makes several amendments to section 506 of the Supplemental Appropriations Act, 1973, which would permit a Senator's personal staffs to be reimbursed for official travel on the same basis that committee staff are now reimbursed for official travel. The amendments would thus allow Senate personal staff to receive per diem expenses for official travel to the home State of the Senator for whom they work. The per diem reimbursement would be in addition to the reimbursement for transportation expenses, which are already reimbursed by the Senate.

In order to help ensure that there is no inappropriate use of the per diem expense reimbursement, the amendments provide that there shall be no such reimbursement within 120 days of any primary or general election in which the Senator is a candidate.

In addition, any claim for per diem expenses would have to be signed by the Senator whose staff claims the reimbursement. This is a standard Senate form which must now be signed by Committee and Subcommittee Chairmen. It certifies that the expenditure is correct and that the services being reimbursed were rendered for the use of the Senate. Thus, each time a Senator authorizes per diem reimbursement for his staff, he would have to vouch personally that the travel was for the purposes of Senate business.

Section 6 provides that the expenses incurred as a result of the increases in the per diem and mileage allowances made by this Act must be absorbed by the existing funds of the department, agency, or branch of the Government. Further, no amount shall be appropriated for fiscal year 1975 to pay for such increases.

Conclusions

The committee has been advised by the General Services Administration that official government travel by Federal employees totals an estimated 9.4 million man-days each year. Although official travel is necessary to the conduct of Government business, it is exceedingly costly, both to the traveler and the Government. In view of strong pressures for economy and the reduction of Government expenditures, the committee urges that a determined effort be made by all departments and agencies to limit official travel to the minimum consistent with the effective and efficient conduct of Government business. The committee desires to make clear, however, that when Federal employees travel on official Government business, they should not be expected, or required, to suffer financial losses.

We are in a period of high prices and rising costs. Thus, although necessary steps have been taken to enable Government employees to meet their personal, ever-increasing costs of living, nothing has been done since 1969 to enable the Government to meet its obligations to those employees who are required to travel in the course of their work assignment.

Following an analysis of available statistics relative to travel costs, the committee has concluded that a per diem of \$35 and the mileage figures established in this bill are fair and equitable under current economic conditions in the United States.

Estimated Cost of Legislation

The General Services Administration estimates the additional annual per diem cost as proposed in S. 3341, as amended, will be approximately \$94 million. The GSA estimates that the additional annual costs of privately owned vehicle operation as proposed in S. 3341, as amended, will be approximately \$15.2 million.

The committee expects the per diem cost to be approximately the same for the next 5 fiscal years, provided the estimated man-days of travel remains relatively constant. Due to the legislative provisions for periodic and automatic adjustments for mileage based on a continuing investigation and determination by the Administrator of General Services, it is impractical for the committee to estimate mileage costs for the next 5 fiscal years.

Correspondence With Rules Committee

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
SUBCOMMITTEE ON BUDGETING,
MANAGEMENT, AND EXPENDITURES,
Washington, D.C., July 16, 1974.

HON. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, 305 Russell Senate
Office Building, Washington, D.C.

DEAR CHAIRMAN CANNON: The Subcommittee on Budgeting, Management, and Expenditures is currently considering S. 3341, a bill to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses for employees and other individuals traveling on official business, and for other purposes. A hearing was held on June 6. Based on that hearing, S. 3341 was revised to reflect both witnesses' and staff proposals.

As part of the revised S. 3341, a provision has been added to increase the maximum per diem allowances paid to Senators and Senate committee staffs traveling on official business from the current \$25 to \$35, and to increase travel under unusual circumstances from \$40 to \$50. This provision would only apply to staffs of Senate committees.

Additionally, S. 3341 would amend section 5704 of title 5 to establish minimum rates for reimbursement for mileage expenses for the use of privately owned vehicles. Specifically, the bill would set the rates at:

- (a) 9 cents a mile for privately owned motorcycles;
- (b) 16 cents a mile for privately owned automobiles; and
- (c) 20 cents a mile for privately owned aircraft.

As drafted, the bill would establish these rates as absolute minimums, with a provision for periodic readjustments by the Administrator of General Services. While these higher rates would alter the current mileage figures provided for by law, the proposal would not amend the current Senate practice of permitting committee chairmen to establish appropriate mileage reimbursement for their committee members and staffs.

I would appreciate your views as to the suitability of including these provisions in this legislation. I would hope that including these

sections would not delay the passage of this needed legislation. I appreciate your assistance in this regard.

Very truly yours,

(Signed) LEE METCALF,
Chairman.

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C., July 17, 1974.

HON. LEE METCALF,
*Chairman, Subcommittee on Budgeting, Management, and Expenditures,
Committee on Government Operations, U.S. Senate, Washington, D.C.*

DEAR LEE: Thank you for your letter of July 16 advising me concerning your proposed amendments to the sections in title 5 of the United States Code pertaining to per diem and mileage expenses for Senators and Senate staff members traveling on official committee business.

At its meeting on June 4, 1974, the Committee on Rules and Administration approved changes in the U.S. Senate Travel Regulations which would allow for adjustment of the mileage rates upon enactment of your bill amending the statute increasing mileage rates from 12 to 16 cents for privately owned automobiles; from 12 to 20 cents for privately owned planes; and from 8 to 9 cents for privately owned motorcycles.

The per diem maximums in the revised travel regulations were left at a rate of not to exceed \$25 for normal per diem and not to exceed \$40 for per diem during travel to areas of unusually high expenses, but these figures would be automatically increased to \$35 and \$50 upon enactment of your bill.

On behalf of the Committee on Rules and Administration, and with the understanding that your proposed amendments would not change the current Senate practice of permitting committee chairmen to establish appropriate maximum mileage reimbursement for their committee and staff members, I would support the proposals set forth in your letter.

With all best wishes,
Sincerely,

(Signed) HOWARD W. CANNON,
Chairman.

Changes in Existing Law

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be changed enclosed in black brackets, new matter in italic, existing law in which no change is proposed to be made in roman):

TITLE 2 UNITED STATES CODE

SEC. 58. MAIL, TELEGRAPH, TELEPHONE, STATIONERY, OFFICE SUPPLIES,
AND HOME STATE OFFICE RENTAL AND TRAVEL EXPENSES FOR
SENATORS.

(a) Authorization for payments from contingent fund.

(1) * * *

(8) reimbursement of ~~actual transportation expenses~~ *travel expenses* incurred by the Senator in traveling on official business by the nearest usual route between Washington, District of Columbia, and the State he represents and within such State, and actual transportation expenses incurred by employees in that Senator's office subject to the provisions of subsection (e) of this section.

Reimbursement to a Senator and his employees under this section shall be made only upon presentation of itemized vouchers for expenses incurred.

* * * * *

[(e) Transportation expenses.

[Actual transportation expenses incurred by an employee in a Senator's office shall be paid under this section only for such expenses incurred in making round trips on official business by the nearest usual route between Washington, District of Columbia, and the home State of the Senator involved, and in traveling within that State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment.]

(e) Travel expenses.

In accordance with regulations prescribed by the Committee on Rules and Administration, an employee in a Senator's office shall be reimbursed under this section for per diem and actual transportation expenses incurred, or actual travel expenses incurred, only for round trips made by the employee on official business by the nearest usual route between Washington, District of Columbia, and the home State of the Senator involved, and in traveling within that State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). However, an employee shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the 120 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator, in whose office the employee is employed, is a candidate for public office. Reimbursement of per diem and actual travel expenses shall not exceed the rates established in accordance with the seventh paragraph under the heading "Administrative Provisions" in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment.

SEC. 68b. SAME; PER DIEM AND SUBSISTENCE EXPENSES.

No part of the appropriations made under the heading "Contingent Expenses of the Senate" on and after June 27, 1956 may be expended for per diem and subsistence expenses (as defined in the Travel Expense Act of 1949, as amended) at rates in excess of ~~[\$25]~~ \$35 per day; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the

continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed **[\$40]** \$50 per day in the case of travel within the continental limits of the United States.

TITLE 5 UNITED STATES CODE

SEC. 5701. DEFINITIONS.

For the purpose of this subchapter—

- (1) "agency" means—
 - (A) an Executive agency;
 - (B) a military department;
 - (C) an office, agency, or other establishment in the legislative branch;
 - (D) an office, agency, or other establishment in the judicial branch; and
 - (E) the government of the District of Columbia;

but does not include—

- (i) a Government controlled corporation;
 - (ii) a Member of Congress; or
 - (iii) an office or committee of either House of Congress or of the two Houses;

- (2) "employee" means an individual employed in or under an agency;

- (3) "subsistence" means lodging, meals, and other necessary expenses for the personal sustenance and comfort of the traveler;

- (4) "per diem allowance" means a daily flat rate payment instead of actual expenses for subsistence and fees or tips to porters and stewards;

- (5) "Government" means the Government of the United States and the government of the District of Columbia; **[and]**

- (6) "continental United States" means the several States and the District of Columbia, but does not include Alaska or Hawaii **[.]**; and

- (7) "*high cost locality*" means any geographic location within the continental United States designated by regulations prescribed under section 5707 of this title.

SEC. 5702. PER DIEM; EMPLOYEES TRAVELING ON OFFICIAL BUSINESS.

[(a) An employee, while traveling on official business away from his designated post of duty, is entitled to a per diem allowance prescribed by the agency concerned. For travel inside the continental United States, the per diem allowance may not exceed the rate of \$25. For travel outside the continental United States, the per diem allowance may not exceed the rate established by the President or his designee, who may be the Director of the Bureau of the Budget or another officer of the Government of the United States, for the locality where the travel is performed.]

(a) An employee, while traveling on official business away from his designated post of duty, is entitled to a per diem allowance. For travel inside the continental United States, the per diem allowance shall be \$35. For travel outside the continental United States, the per diem allowance may not exceed the rate established by the President or his designee for the locality where the travel is performed.

(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty, becomes incapacitated by illness or injury not due to his own misconduct is entitled to the per diem allowances, and transportation expenses to his designated post of duty.

[(c) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be much less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

[(1) \$40 for each day in a travel status inside the continental United States; or

[(2) the maximum per diem allowance plus \$18 for each day in a travel status outside the continental United States.]

(c) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the per diem allowance would be less than those expenses due to—

(1) the unusual circumstances of the travel assignment, in which case the amount named in the travel authorization may not exceed—

(A) \$50 for each day in a travel status inside the continental United States; or

(B) the per diem allowance established under subsection (a) of this section plus \$23 for each day in a travel status outside the continental United States; or

(2) a travel assignment to a high cost locality, in which case the amount named in the travel authorization may not exceed the daily amount provided in those regulations for that locality.

(d) This section does not apply to a justice or judge except to the extent provided by section 456 of title 28.

SEC. 5703. PER DIEM, TRAVEL, AND TRANSPORTATION EXPENSES; EXPERTS AND CONSULTANTS; INDIVIDUALS SERVING WITHOUT PAY.

(a) For the purpose of this section, "appropriation" includes funds made available by statute under section 849 of title 31.

(b) An individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis may be allowed travel expenses under this subchapter while away from his home or regular place of business, including a per diem allowance under this subchapter while at his place of employment.

(c) An individual serving without pay or at \$1 a year may be allowed transportation expenses under this subchapter and a per diem allowance under this section while en route and at his place of service or employment away from his home or regular place of business. Unless a higher rate is named in an appropriation or other statute, [the per diem allowance may not exceed—] the per diem allowance shall be—

(1) [the rate of \$25] \$35 for travel inside the continental United States; and

(2) the rates established under section 5702(a) of this title for travel outside the continental United States.

(d) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an individual to whom this section applies may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be [much] less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

(1) [\$40] \$50 for each day in a travel status inside the continental United States; or

(2) the maximum per diem allowance plus [\$18] \$23 for each day in a travel status outside the continental United States.

SEC. 5704. MILEAGE AND RELATED ALLOWANCES.

[(a) Under regulations prescribed under section 5707 of this title, an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to not in excess of—

[(1) 8 cents a mile for the use of privately owned motorcycle; or

[(2) 12 cents a mile for the use of a privately owned automobile or airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

[(b) In addition to the mileage allowance under subsection (a) of this section, the employee or other individual performing service for the Government may be reimbursed for—

[(1) parking fees;

[(2) ferry fares; and

[(3) bridge, road, and tunnel tolls.]

(a) *Except to the extent otherwise provided under this section, and under regulations prescribed under section 5707 of this title, an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to—*

(1) 9 cents a mile for the use of a privately owned motorcycle;

(2) 16 cents a mile for the use of a privately owned automobile; or

(3) 20 cents a mile for the use of a privately owned airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

(b) In addition to the mileage allowance provided in accordance with the other provisions of this section, the employee or other individual performing service for the Government may be reimbursed for—

(1) parking fees;

(2) ferry fares;

(3) bridge, road, and tunnel tolls; and

(4) airplane landing and tiedown fees.

(c) (1) The Administrator of General Services shall conduct a continuing investigation of the average, actual cost a mile, to the employee or other

individual performing service for the Government who is engaged on official business inside or outside the designated post of duty or place of service, for the use of a privately owned motorcycle, automobile, and airplane. In conducting the investigation, the Administrator shall review and analyze the following:

- (A) depreciation of original vehicle cost;
- (B) gasoline and oil (excluding taxes);
- (C) maintenance, accessories, parts, and tires;
- (D) insurance; and
- (E) State and Federal taxes.

The Administrator, in conducting such investigation, shall meet at least once every 3 months with representatives of the General Accounting Office, the Department of Transportation, the Department of Defense, and organizations of employees of the Government of the United States, and allow them to make their views personally known to him with respect to such average, actual cost.

(2) Not later than January 10 and July 10 of each year, the Administrator shall determine, based upon the results of his continuing investigation with respect to the 6 full calendar months preceding the month in which the determination is made, specific figures, each rounded to the nearest one-half cent, of the average, actual cost a mile during that period for the use of a privately owned motorcycle, automobile, and airplane. The Administrator shall report such figures to Congress not later than 5 days after he makes his determination. Each such report shall also include a detailed description of the factors utilized in conducting the investigation during such 6-month period. Each such report shall be printed in the Federal Register. The cent figures contained in paragraphs (1), (2), and (3) of subsection (a) of this section, or any adjustments previously made thereto and in effect under this subsection, shall be adjusted, as of the first day of the first month following the submission of that report, to the figures so determined and reported by the Administrator. Those figures shall not be less than the figures in effect under subsection (a) of this section immediately after enactment of the Travel Expense Amendments Act of 1974. Those reported figures shall also be included as of such day in the regulations prescribed under section 5707 of this title.

(d) The Comptroller General shall from time to time review the continuing study of the Administrator and make reports to Congress with respect to his review as he considers appropriate.

* * * * *

SEC. 5707. REGULATIONS.

(a) The Director of the Bureau of the Budget shall prescribe regulations necessary for the administration of this subchapter. The fixing, payment, advancement, and recovery of travel allowances, and the reimbursement of travel expenses, under this subchapter shall be in accordance with the regulations. This section does not apply to the fixing or payment of a per diem allowance under section 5703(e) of this title.

(b) The regulations prescribed by the Administrator shall include the designation of any high cost locality with respect to which the Administrator determines that the per diem allowance established under section 5702(a) of this title would be less than the actual and necessary expenses incurred in traveling to that locality. The Administrator shall establish for each high cost locality, the daily amount (not to exceed \$50 for each day) that may be paid under section 5702(c)(2) of this title in traveling